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April 12, 2011

VIA ECF & FACSIMILE
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Honorable Sandra J. Feuerstein
United States District Court
Eastern District of New York
Long Island Federal Courthouse
100 Federal Plaza, Courtroom 1010
Central Islip, New York 11722

Order

The application is:

granted

denied

referred to Magistrate Judge _____ for

decision

report and recommendation

4/13/11

U.S.D.J.

Re: Fraser (Sampson), et al. v. MediSys Health Network Inc., et al.

CV-10-1342 (SJF-ARL)

Dear Judge Feuerstein:

This firm represents Defendants in the above-referenced matter. Pursuant to the Court's March 22, 2011 order, Defendants intend to file their motion to dismiss Plaintiffs' Second Amended Complaint in its entirety on or before April 14, 2011. In connection with their motion, Defendants respectfully request a ten-page increase to thirty-five (35) pages of the Court's twenty-five-page limit on briefs.

In the Second Amended Complaint, which is as voluminous as the first, Plaintiffs reassert eleven separate causes of action against Defendants, including claims under the Fair Labor Standards Act, the New York Labor Law, and numerous common-law claims. Plaintiffs seek to assert their FLSA claims as a collective action pursuant to 29 U.S.C. § 216(b) and the remaining claims as a class action pursuant to Fed. R. Civ. P. 23.

Defendants intend to move to dismiss each of the eleven claims asserts in Plaintiffs' Second Amended Complaint. Their motion addresses complex issues of law and requests that the Court consider a number of separate grounds for dismissal of this action. Defendants respectfully submit that the requested additional pages are required to fully address the numerous claims and legal issues presented by the Second Amended Complaint and are necessary to the adjudication of the motion.

¹ This Court granted Defendants' prior request for such an enlargement of the page limit in connection with their motion to dismiss Plaintiff's First Amended Complaint. (Docket No. 40.)

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Therefore, Defendants respectfully request that the Court grant their request for leave to file a memorandum of law of no more than thirty-five (35) pages in support of their motion to dismiss the Second Amended Complaint.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

SEYFARTH SHAW LLP

s/ Lorie E. Almon
Lorie E. Almon

cc: Counsel of Record (by ECF)